

MEMO ENDORSED

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Corporation Counsel

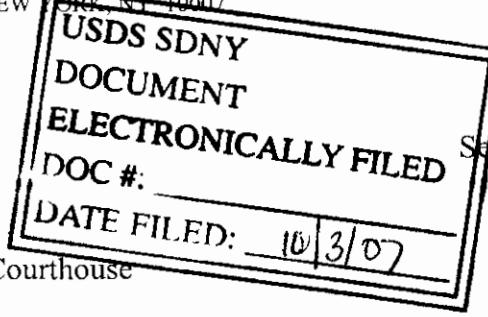
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BY FIRST CLASS MAIL

The Honorable Richard J. Sullivan
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 615
New York, New York 10007



September 28, 2007

Re: Adams, et al. v. City of New York, et al. 05-cv-9484 (KMK) (JCF)
Abdell, et al. v. City of New York, et al. 05-cv-8453 (KMK) (JCF)

Dear Judge Sullivan:

Defendants write regarding the above captioned matters, which are RNC cases that will be consolidated before Your Honor and Magistrate Francis.¹ More precisely, defendants write regarding the briefing on the issues surrounding the discovery of plaintiffs' psychological histories and dismissal of their emotional distress claims. In the Adams case, Judge Karas recently granted defendants' request for an enlargement of time in which to respond to plaintiffs' Rule 72 application objecting to Magistrate Francis' August 24, 2007 order dismissing emotional distress claims. Currently, defendants' opposition papers are due on or before October 2, 2007.

On September 25, 2007, defendants filed substantially identical applications before Magistrate Francis seeking dismissal under Fed.R.Civ.P 37 of the emotional distress claims of additional plaintiffs in Adams and Abdell. After these issues are resolved by Magistrate Francis, the parties anticipate Rule 72 appeals similar to the application currently pending before Your Honor in Adams.

Accordingly, in the interest of judicial economy, the parties jointly request that the Court stay the briefing on the pending Rule 72 appeal in Adams until Magistrate Francis has issued an

¹ During a recent conversation with Judge Karas' Chambers I was informed that these actions are in the process of being transferred to Your Honor's docket. Defendants write this letter to Your Honor because the current deadline for their submission is rapidly approaching.

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order on the related applications. When Magistrate Francis issues an order, the parties will expeditiously advise Your Honor of that order and request that the Court enter a consolidated briefing schedule. If the following meets with your approval would you kindly "so order" it.

Respectfully submitted,

Jeffrey A. Dougherty

Jeffrey A. Dougherty

cc: Michael L. Spiegel, Esq.
Hon. James C. Francis IV
Hon. Kenneth M. Karas

SO ORDERED
Dated:

Richard J. Sullivan
U.S.D.J.

10/2/07